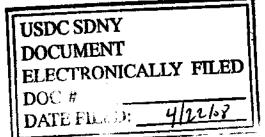
EFFECTIVE DATE: 04/17/08



Bond 6556878 PREMIUM: \$1,000.00

E*TRADE FINANCIAL CORPORATION AND E*TRADE SECURITIES LLC

Plaintiff

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK NO. 08 CV 2993 (RJH)

MARCUS J. HERNANDEZ, SEAN J. GAFFEY, AND BANC OF AMERICA INVESTMENT SERVICES, INC. VS.

PRELIMINARY INJUNCTION

Defendants

WHEREAS, by Order of the above entitled Court, Plaintiff	E*TRADE FINANCIAL CORPORATION AND E*	TRADE SECURITIES LLC
	, was required to file an	undertaking in the sum of
ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) ********************************	***********************************	******* DOLLARS
as a condition for a preliminary injunction to be in effect re	estraining and enjoining the above name	d Defendant
MARCUS J. HERNANDEZ, SEAN J. GAFFEY, AND BANC OF AMERICA INVE	ESTMENT SERVICES, INC.	
from the commission of certain acts as more fully set forth	in said order.	
NOW, THEREFORE, Safeco Insurance Company of A	America	, a corporation
organized and existing under the laws of the State of	Washington	and authorized to
transact the business of Surety, as Surety, in consideration	of premises and issuance of said prelim	inary injunction does
hereby undertake to pay all costs and disbursements that m		
SEAN J. GAFFEY, AND BANC OF AMERICA INVESTMENT SERVICES, IN		ot exceeding the amount of
ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) ********************************	**************************************	LLARS as the Defendant
MARCUS J. HERNANDEZ, SEAN J. GAFFEY, AND BANC OF AMERICA INV	/ESTMENT SERVICES, INC.	
may sustain by reason of said preliminary injunction if the	same be wrongfully obtained and without	out sufficient cause.
IN WITNESS WHEREOF, we have set our hand and seal	the 17TH day of APRIL	, 2008



Safeco Insurance Company of America

SURETY

BY:

PAUL BOUCHER, ATTORNEY-IN-FACT



POWER

Safeco insurance Company of America General Insurance Company of America Safeco Plaza

	OF ATTORNEY	Seatue, WA	90100
MAMALL BY THESE BRESENTS.	No.	11614	
KNOW ALL BY THESE PRESENTS: That SAFECO INSURANCE COMPANY OF AM Washington corporation, does each hereby appoint	IERICA and GENERAL I	NSURANCE COMPANY	OF AMERICA, each a
RAE L. ZACHARY; Los Angeles, California************************************	FODEMSKI; JANINA MONR	OE; TIMOTHY J. NOONAN	I; SUSAN THURSTON;
its true and lawful attorney(s)-in-fact, with full autho documents of a similar character issued in the cours	rity to execute on its behall e of its business, and to bin	f fidelity and surety bonds id the respective company	or undertakings and other thereby.
IN WITNESS WHEREOF, SAFECO INSURANC AMERICA have each executed and attested thes		ICA and GENERAL INS	URANCE COMPANY OF
this 26th	day of	uly	
Stephanie Dolley Watsen	T	midolajews	Qu.
STEPHANIE DALEY-WATSON, SECRETARY		LAJEWSKI, SENIOR VIC	E-PRESIDENT, SURETY
Extract from the By-Laws and of GENERA	CERTIFICATE s of SAFECO INSURANCE LL INSURANCE COMPAN	COMPANY OF AMERICA	A
"Article V, Section 13 FIDELITY AND SURETY BO President appointed for that purpose by the officer is attorneys-in-fact or under other appropriate titles we other documents of similar character issued by the such appointment, the signatures may be affixed undertaking of the company, the seal, or a facsim provided, however, that the seal shall not be necess	n charge of surety operation ith authority to execute on company in the course of it by facsimile. On any instantie thereof, may be impre-	ns, shall each have autho behalf of the company fix s business On any instri rument conferring such a ssed or affixed or in any	rity to appoint individuals as delity and surety bonds and ament making or evidencing uthority or on any bond or other manner reproduced;
Extract from a Resolution of the Board and of GENERAL INSURA			
"On any certificate executed by the Secretary or an (i) The provisions of Article V, Section 13 of (ii) A copy of the power-of-attorney appoint (iii) Certifying that said power-of-attorney ap the signature of the certifying officer may be by face	if the By-Laws, and tment, executed pursuant the pointment is in full force an	nereto, and id effect,	e thereof."
I, Stephanle Daley-Watson , Secretary of SAFEC COMPANY OF AMERICA, do hereby certify that the of these corporations, and of a Power of Attorney iss and the Power of Attorney are still in full force and e	e foregoing extracts of the fi sued pursuant thereto, are tru	3v-Laws and of a Resolution	on of the Board of Directors
IN WITNESS WHEREOF, I have hereunto set my	hand and affixed the facs	imile seal of said corpor	ation
this17TH	day o	APRIL	2008

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Stephani Dafley Watser

STEPHANIE DALEY-WATSON, SECRETARY

WEB PDF

S-0974/D\$ 4/05

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Bond No. 6556878

On APRIL 17, 2008, before me, HEATHER WIN, a Notary Public in and for the above county, personally appeared PAUL BOUCHER who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she is Attorney-in-Fact of SAFECO INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the state of WASHINGTON, that the seal affixed to the foregoing instrument is the corporate seal of the said corporation, that the instrument was signed, sealed, and executed in behalf of said corporation by authority of its Board of Directors, and further acknowledged the said instrument and the execution thereof to be the voluntary act and deed of said corporation by his voluntarily executed.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

IN WITNESS WHEREOF, I have hereunto subscribed by name and affixed my official seal the day and year first above written.

My Commission Expires: <u>JUNE 17, 2010</u>

Notary Public